

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re AppHarvest Securities Litigation

Case No. 1:21-cv-07985-LJL

**STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE FOR
PLAINTIFF’S SECOND CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Lead Plaintiff Alan Narzissenfeld (“Plaintiff”) and Defendants AppHarvest Inc., Jonathan Webb, Loren Eggleton, and David Lee (collectively, “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows and jointly request that the Court enter the below Order approving this Stipulation:

WHEREAS, on March 2, 2022, Plaintiff filed a First Consolidated Amended Class Action Complaint on behalf of a proposed class consisting of those who acquired AppHarvest securities between February 1, 2021 and August 10, 2021 (the “Putative Class”) asserting claims against Defendants for alleged violations of the Securities Exchange Act of 1934 and 17 C.F.R. § 240.10b-5;

WHEREAS, on May 2, 2022, Defendants filed a Motion to Dismiss Plaintiff’s First Consolidated Amended Complaint;

WHEREAS, on July 25, 2022, Plaintiff filed a Second Consolidated Amended Class Action Complaint on behalf of the Putative Class asserting claims against Defendants for alleged violations of the Securities Exchange Act of 1934 and 17 C.F.R. § 240.10b-5; and

WHEREAS, Defendants intend to move for dismissal of Plaintiff’s Second Consolidated Amended Class Action Complaint;

IT IS HEREBY STIPULATED AND AGREED by the Parties, and the Parties hereby respectfully request that the Court order as follows:

1. Defendants shall file their motion to dismiss the Second Consolidated Amended Class Action Complaint no later than Friday, September 23, 2022;
2. Plaintiff shall file his opposition no later than Tuesday, November 22, 2022; and
3. Defendants shall file their reply no later than Friday, January 13, 2023.

Dated: August 4, 2022

LEVI & KORSINSKY, LLP

/s/ Gregory M. Potrepka

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Dated: August 4, 2022

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*Attorneys for Defendants AppHarvest, Inc.,
Jonathan Webb, Loren Eggleton, and David Lee*

IT IS SO ORDERED.

Dated: _____

THE HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE

REPRESENTATION OF CONSENT OF OTHER PARTIES

As required under Rule 8.5(b) of the Southern District of New York's Electronic Case Filing Rules & Instructions, I represent that all parties consented to the filing of this stipulation.

Dated: August 4, 2022

COOLEY LLP

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